

# United States District Court

for

THE DISTRICT OF GUAM

U.S.A. vs: Rose Marie Meno aka Rose Fegurgur Docket No. MG 05-00038-001

## Petition for Action on Conditions of Pretrial Release

COMES NOW ROBERT I. CARREON, Pretrial Services Officer, presenting an official report upon the conduct of Rose Marie Meno aka Rose Fegurgur who was placed under pretrial release supervision by the Honorable Joaquin V.E. Manibusan, Jr., sitting in the court at Hagatna, Guam on 18th date of August, 20 05 under the following conditions:

Report to the U.S. Probation Office as instructed; maintain or actively seek employment; surrender her passport to Clerk of Court and not obtain any passport; remain at a fixed address and not change residence without approval of the U.S. Probation Office; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol; refrain from unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a physician; report contact with any law enforcement personnel; stay away from all ports of entry and exit unless given permission by the U.S. Probation Office and the Court; not leave the Territory of Guam without the permission of the U.S. Probation Office and the Court; and submit a complete and written monthly supervision report to the U.S. Probation Office between that 1<sup>st</sup> and the 5<sup>th</sup> of each month.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

(See attached Declaration by U.S. Probation Officer Robert I. Carreon) OCT - 4 2005

PRAYING THAT THE COURT WILL

Pursuant to 18 U.S.C. §3148(b), order that a Summons be issued and that this matter be set for a hearing, and at that hearing, the defendant be held to answer or show cause why bail should not be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

## ORDER OF COURT

Considered and ordered 4th day of October, 20 04 and ordered filed and made a part of the records in the above case.

  
U.S. District Judge/Magistrate

**RECEIVED**  
OCT - 4 2005  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM

Respectfully,  
  
Robert I. Carreon  
U.S. Pretrial Services Officer

Place: Hagatna, Guam

Date: October 4, 2005

**ORIGINAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF GUAM**

<b>UNITED STATES OF AMERICA,</b>	)	<b>MAGISTRATE CASE NO. 05-00038-001</b>
Plaintiff,	)	
	)	
vs.	)	<b>DECLARATION IN SUPPORT OF PETITION</b>
	)	
<b>ROSE MARIE MENO</b>	)	
<b>aka ROSE FEGURGUR</b>	)	
Defendant.	)	
_____	)	

**Re: Violation of Pretrial Release Conditions; Request for a Summons**

I, Robert I. Carreon, am the U.S. Pretrial Services Officer assigned to supervise the Court-ordered conditions of pretrial release for Rose Marie Meno aka Rose Fegurgur and in that capacity declare as follows:

On August 18, 2005, Rose Marie Meno appeared before the Honorable Joaquin V.E. Manibusan, Jr. for an Initial Appearance and Arraignment relative to an Indictment charging her with Counts I & II: Driving Under the Influence of Alcohol, in violation of 16G.C.A. § 18102(a) and 18102(b) and 18 U.S.C. §§ 7(3) & 13; Count III: Trespassing, in violation of 9 G.C.A. §37.30 and 18 U.S.C. § 7(3) & 13; and Count IV: Unlawful Possession of Military I.D. in violation of 18 U.S.C. §701. All counts are charged as misdemeanors. The defendant pled not guilty, and the Court set a trial date for October 12, 2005. The defendant was subsequently released on a personal recognizance bond with conditions that she report to the U.S. Probation Office as instructed; maintain or actively seek employment; surrender her passport to Clerk of Court and not obtain any passport; remain at a fixed address and not change residence without approval of the U.S. Probation Office; refrain from possessing a firearm, destructive device, or other dangerous weapon; refrain from any use of alcohol; refrain from unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a physician; report contact with any law enforcement personnel; not leave Guam without the permission of the Court; stay away from all ports of entry and exit unless given permission by the U.S. Probation Office and the Court; not leave the Territory of Guam without the permission of the U.S. Probation Office and the Court; and submit a complete and written monthly supervision report to the U.S. Probation Office between that 1<sup>st</sup> and the 5<sup>th</sup> of each month.

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At the pretrial services interview on August 16, 2005, the defendant was unable to provide any proof of her identity. During the interview, she stated that her name is Rose Marie Pangelinan Meno with a date of birth of June 6, 1954, and with a Social Security number of 586-06-5040. This information differed from Court documents which identified her as Rose Marie Meno aka Rose Fegurgur with a date of birth of February 7, 1952, and with a Social Security number of 586-07-1620. With no confirmation of the the defendant's identity, the Court proceeded with the Initial Appearance Hearing on August 18, 2005, and released her as outlined above. As part of the ongoing efforts of the probation office to confirm the defendant's identity, she was instructed to report weekly to the probation office to report on her activities to submit/secure identification documents. The identification information provided initially revealed no criminal history as verified through the Guam Police Department, the Criminal Justice Information System, and the National Criminal Information Center.

On September 23, 2005, the defendant reported to the probation office as instructed, and submitted a letter she had written which was notarized. The letter was addressed to the Governor of Saipan requesting his assistance in obtaining her birth certificate. The letter, identified the defendant as Rosario Rosemarie Pangelinan Meno with a date of birth of June 6, 1954, and a Social Security number of 586-06-5040. The defendant was instructed to continue to meet weekly with the probation officer to submit proof her identity.

On September 27, 2005, this officer verified through the Guam Police Department Records and Identification Center that the defendant obtained a Guam Identification Card on December 5, 2001 under the name of Rosario Ramona P. Meno with a date of birth of February 6, 1955, and a Social Security number of 586-07-8792. The photo on the Guam identification card appeared to match that of the defendant. A criminal records check with the Guam Police Department and the Superior Court of Guam under this new information revealed the following:

<u>Offense</u> <u>Date:</u>	<u>Charge(s):</u>	<u>Disposition:</u>
1. 9/5/90	Driving Under the Influence	Unknown
2. 10/6/90	Theft of Property (Felony)	No Prosecution
3. 3/18/92	Forgery	No Prosecution
4. 11/21/99	Attempted Theft (Misdemeanor); and Unauthorized Use of a Motor Vehicle (Misdemeanor)	CF723-99: Sentenced 2/23/00 - 1 yr prison suspended with 30 days time served, 1 year supervised probation, restitution, and 25 hours community service.

# DECLARATION IN SUPPORT OF PETITION

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5. 8/7/00 Warrant of Arrest (Traffic)
6. 8/13/02 Warrant of Arrest (Traffic)
7. 9/7/02 Theft of Property (Felony); and CF409-02; Bench Warrant issued 4/21/05  
Unauthorized Use of a Motor  
Vehicle (Misdemeanor)

On September 29, 2005, the defendant reported to the U.S. Probation Officer for a compliance meeting. She was confronted with the Guam Identification Card information outlined above and subsequently admitted to that identity. She admitted to intentionally misreporting her identity to the probation officer at the pretrial interview on August 16, 2005, and to further misreporting her identity in a notarized letter submitted to the probation office on September 23, 2005. The defendant stated that she lied about her identity because she did not want her criminal history revealed.

The defendant is alleged to have violated the following conditions of pretrial release:

**Special Condition:** *The defendant shall submit a complete and written monthly supervision report to the U.S. Probation Office between the first and the fifth of each month.* On September 6, 2005, the defendant submitted her supervision report wherein she identified herself as Rosemarie P. Meno. As outlined previously in this report, this is not her true name and as such, the defendant misreported information on the monthly report.

**Special Condition:** *The defendant shall refrain from any use of alcohol.* On October 3, 2005, the defendant reported to the probation office as instructed and informed that she will report to the Guam Police Department's Records and Identification Section to obtain a copy of her identification. She was subjected to a breathalyzer with results of .180 % blood-to-alcohol content. The defendant stated that she drank three to five beers in the morning prior to reporting to probation because she was afraid of being detained for lying to the Court. She was informed to refrain from further alcohol use and to continue to report weekly or as instructed to the probation office. The defendant was informed that her recent non-compliance will be reported to the Court and that a petition for a hearing would be requested.

**Supervision Compliance:** Except as outlined above, the defendant has complied with her conditions of supervision.

**Recommendation:** This officer requests, pursuant to 18 U.S.C. §3148, that this matter be scheduled for a hearing and a summons and/or writ of habeas corpus be issued for the defendant's appearance at that hearing to determine if bail should be revoked or why conditions of release should not be modified, or for any other matter for which the Court may deem just and proper.

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It is the recommendation of the U.S. Probation Officer that the defendant be continued on pretrial release on the current conditions and with the following modifications:

1. The defendant shall participate in a program approved by the U.S. Probation Office for the treatment of narcotic addiction or drug or alcohol dependency which will include testing for the detection of substance use or abuse. It is further ordered that the defendant make co-payment for treatment at a rate to be determined by the U.S. Probation Office.


It is further recommended that the Court establish the defendant's identity and make any requisite correction to the Court record and all other related documents.

Executed this 4<sup>th</sup> day of October 2005, at Hagatna, Guam, in conformance with provisions of Title 28 U.S.C. § 1746.

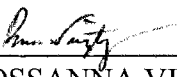
I declare under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

RESPECTFULLY submitted this 4<sup>th</sup> day of October 2005.

FRANK MICHAEL CRUZ  
Chief U.S. Probation Officer

By:   
ROBERT I. CARREON  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
U.S. Probation Officer  
Supervision Unit Leader

cc: Steve Chiapetta, SAUSA  
Joaquin Arriola, Jr., Defense Counsel  
File